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Dated: February 4, 2004

Signature

*Annette Devereux*  
(Annette Devereux)

Docket No.: HO-P02228US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David L. Evans et al.

Application No.: 10/666,477

Confirmation No.:

Filed: September 18, 2003

Art Unit: 3731

For: PROSTHETIC DEVICES EMPLOYING  
OXIDIZED ZIRCONIUM AND OTHER  
ABRASION RESISTANT SURFACES  
CONTAINING SURFACES OF CROSS-  
LINKED POLYETHYLENE

Examiner: R. A. Lewis

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an

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admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02228US1. A duplicate copy of this paper is enclosed.

Dated: February 4, 2004

Respectfully submitted,

By 

Gino Catena

Registration No.: 45,546

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02-85-04

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

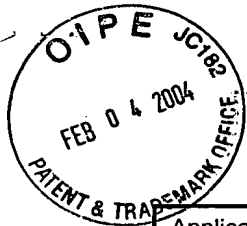
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/666,477	
	Filing Date	September 18, 2003	
	First Named Inventor	David L. Evans	
	Art Unit	3731	
	Examiner Name	R. A. Lewis	
Total Number of Pages in This Submission	1	Attorney Docket Number	HO-P02228US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 26 References
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULBRIGHT & JAWORSKI L.L.P. Gino Catena
Signature	
Date	February 4, 2004

Transmittal	
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Dated: February 4, 2004	Signature  (Annette Devereux)



Application No. (if known): 10/666,477

Attorney Docket No.: HO-P02228US1

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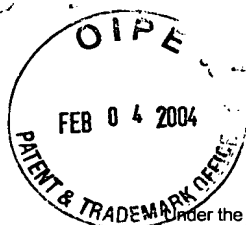
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IDS (Citation) by Applicant



PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/666,477
				Filing Date	September 18, 2003
				First Named Inventor	David L. Evans
				Art Unit	3731
				Examiner Name	R. A. Lewis
Sheet	1	of	2	Attorney Docket Number	HO-P02228US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-4,932,969	06-12-1990	Frey et al.	
	AB	US-5,037,438	08-06-1991	Davidson	
	AC	US-5,152,794	10-06-1992	Davidson	
	AD	US-5,180,394	01-19-1993	Davidson	
	AE	US-5,370,694	12-06-1994	Davidson	
	AF	US-5,401,269	03-28-1995	Bittner-Janz et al.	
	AG	US-5,514,180	05-07-1996	Heggeness et al.	
	AH	US-6,562,072	05-13-2003	Fuss et al.	
	AI	US-5414049	05-09-1995	Sun et al	
	AJ	US-5879400	03-09-1999	Merrill et al	
	AK	US-6017975	01-25-2000	Saum et al	
	AL	US-6125220	09-26-2000	Copner et al	
	AM	US-6168626	01-02-2001	Hyon et al	
	AN	US-6228900	05-08-2001	Shen et al	
	AO	US-6281264	08-28-2001	Salovey et al	
	AP	US-6316158	11-13-2001	Saum et al	
	AQ	US-6447550	09-10-2002	Hunter et al	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	WO-98/01085	01-15-1998	The Orthopaedic Hospital et al.		
	BB	WO-98/42390	10-01-1998	Smith & Nephew, Inc.		
	BC	EP-0722973	12-17-2003	The University of Southern California		
	BD	WO-9814223	04-09-1998	E.I. Du Pont De Nemours and Company		
	BE	EP-EP0737481	10-16-1996	Johnson & Johnson Professional		
	BF	WO-9816258	04-23-1998	The Orthopaedic Hospital		
	BG	EP-0727981	05-06-1999	The Gillette Company		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	LEWIS, GLADIUS, "Properties of Crosslinked Ultra-High Molecular Weight Polyethylene," Biomaterials, Elsevier Science Publishers BV., Barking, GB, Vol. 22, no. 4, February 15, 2001,	

Examiner Signature		Date Considered	
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				First Named Inventor	David L. Evans
				Art Unit	3731
				Examiner Name	R. A. Lewis
				Attorney Docket Number	HO-P02228US1
Sheet	2	of	2		

		pp. 371-401.	
	CB	Swarm Orthopedic, Patient/Clinician Information: SB Charite Intervertebral Dynamic Disc Spacer, <a href="http://www.linkspinegroup.com/us/disctext.htm">www.linkspinegroup.com/us/disctext.htm</a>	

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